

EPA InSight **POLICY PAPER**

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The Common Sense Initiative: A New Generation of Environmental Protection

Below is an address by Administrator Carol Browner at a Center for National Policy Newsmaker Luncheon on July 20, 1994:

It is a pleasure to be here to discuss the future of environmental protection, to share my vision of what we need to accomplish in the generation to come and, in so doing, to draw on the lessons of the past, and finally, to describe a new Clinton Administration initiative that represents the future of environmental protection.

In this room today are people who bring a variety of perspectives to the task of environmental protection. Some are involved with grassroots environmental groups and see environmental policy from the community's point of view. Some see environmental policy from a business point of view. Some see it from the regulatory perspective. But despite the diverse viewpoints we represent, we all share a belief that we must preserve and strengthen the principles of environmental protection—but we must change the means by which we achieve these protections. There is much to be proud of in the accomplishments of the past 25 years, but it will take a new generation of environmental protection to meet the challenges of the next 25 years.

Twenty-five years ago, in response to widespread public concern, our nation created, literally from scratch, the most advanced system of environmental regulation in the world. Our nation created the Environmental Protection Agency, state agencies, federal laws and regulations, state laws and regulations. In the course of what is really a very short history, we have made tremendous progress. We have succeeded in solving some of the more obvious problems. We no longer have rivers catching on fire. Our skies are cleaner. And U.S. environmental expertise and technology are in demand throughout the world.

But the past 25 years have also left us with difficult problems—a complex and unwieldy system of laws and regulations, and increasing conflict and gridlock.

When our country began to pass environmental laws in the early 70's, we did it issue by issue, crisis by crisis. I will never forget a photograph of flames, fire, shooting right out of the water in downtown Cleveland. It was the summer of 1969 and the Cuyahoga River was burning. An angry nation was called to action, and the Clean Water Act was passed. How can anyone forget the discovery of thousands of leaking barrels of toxic chemicals that had been buried under the community of Love Canal? Again, a shocked country responded. The Superfund law was passed. Our Toxic Substances Control Act passed soon after we watched farmers taking contaminated cows out to the pasture and shooting them to death. And it was the contamination of the New Orleans drinking water supply that spurred passage of the Safe Drinking Water Act.

By necessity, environmental regulations grew up on an emergency basis, crisis by crisis, pollutant by pollutant. The result: we have 16 major national environmental laws overseen by some 74 Congressional committees and subcommittees. We have thousands and thousands of environmental regulations on the books. Too often, our environmental activities have been compartmentalized, law by law, pollutant by pollutant. And too often, instead of preventing pollution, we have simply shuffled and shifted pollution from one place to another—from land to air, from air to water, from water to land.

In response to early air pollution regulations, factories put scrubbers on their smokestacks to control sulfur dioxide emissions. The scrubbers did a good job of taking the sulfur dioxide out of the air. But they created another problem: what to do with the scrubber waste? The way our regulatory system worked, that pollution could legally be discharged into a river or a lake, or turned into sludge and buried in a landfill. That's precisely what happened. In exchange for cleaner air, we polluted our rivers, polluted our groundwater, contaminated our land. We hadn't really protected our environment. We hadn't pre-

vented pollution. We had only shuffled and shifted pollution.

During the era when James Watt was Secretary of the Interior and Anne Gorsuch headed the EPA, the problems grew worse. Conflict and gridlock became firmly entrenched. Some in industry took the Anne Gorsuch/James Watt ideology as a license not to comply with environmental regulations. Environmental groups sought to fill the vacuum by filing one court suit after another, charging the government with failure to enforce and implement the laws. Court orders and court-directed activities became a major instrument of environmental policy.

And Congress, rightfully perceiving a lack of commitment to implementation of environmental laws, and responding to the legitimate concerns of the public, saw no alternative but to spell out every detail of, not only what EPA must do, but also what business must do. The average length of an environmental law grew from 50 pages to 400 pages.

The result of all this fragmentation and conflict? Too little environmental protection at too high a cost. Increasing frustration with the process of environmental regulation. Some of this frustration is absolutely legitimate. But there are those who are capitalizing on legitimate frustration with the process and using it to fuel a backlash against environmental protection itself—to call for a rollback of public health protections.

That's not legitimate. To suggest that today we don't continue to need strong environmental protection—strong public health and natural resource protections—is wholly irresponsible, because for all the progress we've made, serious environmental problems remain. How can anyone seek to undermine environmental protection when hundreds of thousands of people fell ill in Milwaukee last year from contaminated drinking water, and dozens died? How can anyone seek to undermine environmental protection when forty percent of our rivers and lakes are still not suitable for fishing or swimming; when 54 million Americans—one in five—still live in areas where the air does not meet federal air quality standards; when one in four Americans lives within four miles of a toxic dumpsite?

I draw three simple but important lessons from the past 25 years. One, we must recognize that nature is a system. We must recognize the integration of our air, our water, and our land. Merely regulating on a pollutant-by-pollutant basis is not enough. Two, we must change the process. We must move beyond an adversarial process. We must inform and involve those who must live with the decisions we make—the communities, the industries, the people of this

country. And three, we have not finished the job. We must preserve and strengthen the principles of environmental protection, while changing the means by which we achieve these protections.

The initiative we announce today grows out of all three of these lessons. It builds on the accomplishments of the past to shape a new generation of true environmental protection for the future.

The Common Sense Initiative is a fundamentally different system of environmental protection that replaces the pollutant-by-pollutant-approach of the past with an industry-by-industry approach for the future. Government officials at all levels, environmentalists, and industry leaders will come together to create strategies that will work cleaner, cheaper, and smarter to protect the health of the people of this country and the natural resources we all share.

Cleaner—because participating industries will achieve real, measurable environmental protection.

Cheaper—because tailoring environmental protection on an industry-by-industry basis will save billions of dollars.

And smarter—because by working together we can capture the creativity and the ingenuity that have long been the great strength of this nation—and apply it to the job of protecting our environment.

Through the Common Sense Initiative, we will examine environmental protection in each industry, from top to bottom. We will analyze the overall environmental impact of each industry. For each industry, we will arrive at a comprehensive analysis of the successes, the failures, the problems, the achievements, the unintended consequences of environmental regulation—a blueprint for how best to achieve real environmental protection.

Let me emphasize that, for the first time ever, every player with a stake in the outcome will be at the table—industry, communities, environmentalists, regulators. And for the first time ever, every major topic will be on the table. If we find new ways to improve our rules and regulations, I will make those changes. If we find that the laws themselves need to be changed, then we will join together in going to Congress to recommend those changes.

Today I am naming six industries that will be trailblazers in working with government and with leading environmental organizations to revolutionize how we approach environmental protection in this country. The six industries are: the iron and steel industry, the electronics and computer industry, the metal plating and finishing industry, the auto industry, the printing industry, and the oil refining industry.

Among them, these industries make up nearly 15

percent of our Gross Domestic Product. They account for 345 million pounds of toxic releases—1/8 of all the toxic emissions reported to EPA. They employ four million people. And they represent a cross-section of American industry. Some are high-tech, others industrial; some are dominated by large companies, others by small business.

The Common Sense Initiative will move us beyond the adversarial process by getting everybody on board and putting everything on the table. We must harness the expertise of industry—the people who know firsthand how industrial processes work and who know better than anyone else how to clean them up. We must harness the expertise of environmental leaders and grassroots activists who know the problems that most concern the public and often the solutions that will work. We must listen to the expertise of state, local, and federal government officials who have struggled for years with these very problems. My colleagues at EPA have accomplished a great deal under sometimes trying circumstances and know better than anyone why and how we must change. In many ways, the seeds of this change can be found in individual programs already in existence at EPA.

In each industry, we will assemble a team of committed partners: An Assistant Administrator of EPA—for example, the head of the Office of Water, as well as senior representatives from our air program, our waste program, and so on. Industry leaders at the vice president level. Representatives of national and grassroots environmental organizations, along with representatives of state environmental commissions, local government, labor unions, environmental justice groups, and other agencies that want to help explore this new direction.

Each team will develop a blueprint based on six components:

Number 1: A Fresh Perspective on Regulations and Results. For the first time in the history of EPA, we will conduct a comprehensive review of every major rule and every major regulation as they apply to each industry. We'll explore existing regulations and regulations that are still in the pipeline. We'll coordinate air pollution rules with water pollution rules to make sure our rules work in tandem rather than at cross purposes. Let's move beyond mere regulation to true environmental protection. Let's measure our success not by how many rules we adopt but by whether a specific industry can achieve environmental protection cleaner, cheaper, and smarter.

Number 2: Prevent Pollution—don't just clean it up. Make pollution prevention not just an add-on but a guiding principle inherent in the system. Too many

of our current regulations have the perverse effect of discouraging pollution prevention. Too often, our regulations have encouraged industry to meet the minimum standards—failing to encourage industry to do better, to exceed the standards. Let's make sure that normal business practices in every industry are geared toward preventing pollution.

For example: when we deal with toxic releases in the printing industry, let's not repeat the problem we had with the smokestack scrubbers and simply shuffle and shift pollution. Let's help printers use solvents that are safer, less polluting. Let's help them use fewer solvents in the first place, and recycle the solvents they do use. Today, we're doing just that. The John Roberts Company, a commercial printer in Minneapolis, can tell you firsthand how we've helped them reduce their release of hazardous chemicals—resulting in savings of nearly \$20,000 per year.

Number 3: Make Environmental Information Collection Easier for Industry and More Accessible to the Public. We need better information gathering to inform the public, to inform business, and to inform the government. Let's use electronic data bases. Let's integrate the information we receive—the air, the water, the waste reporting. Let's eliminate duplication—which will be particularly important to small businesses.

Number 4: Strong Enforcement. With the Common Sense Initiative, we will offer sincere, motivated companies a new, more flexible way to achieve environmental results. But, at the same time, a strong enforcement program is vital—so that companies that are working hard to comply with the law will not suffer a competitive disadvantage, and companies that are not motivated to comply will suffer the consequences.

Last summer, I reorganized our enforcement program to achieve strong, tough enforcement and help companies comply with the law. That reorganized enforcement program is up and running and ready to work with our industry teams.

Number 5: Improve the Permitting Process—so that it is responsive to the needs of the public and to industry. That means greater opportunity for informed public participation and a faster answer for industry.

Number 6: Stop Stifling New Technology—Encourage It. In the past, too many of our laws told industry not only what standard to meet but also the specific technology they had to use to meet it. Why limit the number of environmental solutions? Why not encourage creativity and innovation? The result

will be that, not only will we meet the standards, we will exceed the standards and achieve true pollution prevention.

In short, we will look at every way that EPA intersects with each of the six industries, so that we can use every tool at our disposal to improve our environmental performance. I believe we can make tangible changes in the first year. Other changes will take more time—but we must begin this overhaul now—because the successes that are available if we continue the traditional regulatory path are incremental at best. The current regulatory system is about going from A to B to C. The changes we undertake today are about going from A to Z. I don't believe anyone in this country—whether an environmentalist or a CEO—believes that incremental steps will achieve the kind of future we all want.

I want to close by saying that this is an ambitious initiative. Many of the people who have come here today to pioneer the Common Sense Initiative may be a little nervous about this endeavor. I understand that. We are all taking a risk in agreeing to do things in a new way. But we must take that risk, because only by taking a risk can we make the fundamental changes that will result in true environmental protection for this country.

The past 25 years have been marked by extraordinary changes in American society and American industry—the civil rights movement, the women movement, the environmental movement, new technology, instant communications—FAX machines, personal computers. Things that were unthinkable just a generation ago are now part of how we live our lives, part of how most businesses function.

This is the genius of America. Whenever we have needed to change, we have changed. Throughout history, empires, kingdoms, and nations have collapsed because they failed to change. But our nation is built on a proud tradition of change.

Recently I visited the Jefferson Memorial, and I saw carved there some words that I believe we must take to heart. Thomas Jefferson said, "Laws and institutions must go hand in hand with the progress of the human mind." As human understanding becomes more developed, Jefferson said, institutions must also advance, and keep pace with the times.

That is what we are doing today. Twenty-five years from now, our nation will be able to look back and say that 1994 was the start of a fundamentally new way of protecting our environment—of protecting the health of the people of this country, of protecting our air, our water, and our land.

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